

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SUE BROWN, ANN JOHNSON, and MARY
DAVIS, on behalf of themselves and all others
similarly situated,

Plaintiffs,

- against -

THE CITY OF NEW YORK,

ANTHONY J. ANNUCCI, Acting Commissioner of the
New York State Department of Corrections and
Community Supervision,

JASON EFFMAN, Associate Commissioner and PREA
Coordinator for the New York State Department of
Corrections and Community Supervision,

STEVEN MAHER, Chief of Investigations, Office of
Special Investigations, New York State Department of
Corrections and Community Supervision,

CHRISTIAN NUNEZ, Deputy Chief of the Sex Crimes
Division, Office of Special Investigations, New York
State Department of Corrections and Community
Supervision,

JOHN SHIPLEY, Director, Bureau of Labor Relations,
New York State Department of Corrections and
Community Supervision,

SABINA KAPLAN, Superintendent of Bedford Hills
Correctional Facility,

MICHAEL DAYE, Deputy Superintendent for Security at
Bedford Hills Correctional Facility,

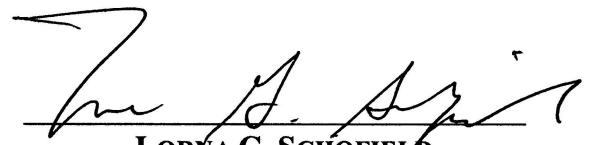
ELAINE VELEZ, Assistant Deputy Superintendent and
PREA Compliance Manager at Bedford Hills Correctional
Facility,

No. 21-CV-10492
(LGS)(KP)

**PLAINTIFFS' NOTICE
OF MOTION AND
MOTION FOR
TEMPORARY
RESTRAINING ORDER
AND PRELIMINARY
INJUNCTION**

The Defendants who have
appeared shall file a response to
Plaintiffs' motion by **February 1,
2022, at noon**. The parties shall
appear for a conference over Zoom
on **February 2, 2022, at 3:45** to be
heard on the motion. The Court will
email the parties the Zoom link prior
to the conference. The public may
listen to the conference by calling
888-363-4749 and entering access
code 558-3333.

Dated: January 28, 2022
New York, New York



**LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE**

CORRECTION OFFICER A, Bedford Hills Correctional Facility,

CORRECTION OFFICER B, Bedford Hills Correctional Facility,

CORRECTION OFFICER C, Bedford Hills Correctional Facility,

CORRECTION OFFICER D, Bedford Hills Correctional Facility,

CORRECTION OFFICER E, Bedford Hills Correctional Facility,

CORRECTION OFFICER F, Bedford Hills Correctional Facility,

CORRECTION OFFICERS JANE JONES #1-17,
Bedford Hills Correctional Facility (True Names Being
Presently Unknown and Fictitious to Plaintiffs),

CORRECTION OFFICERS JOHN JONES #1-15,
Bedford Hills Correctional Facility (True Names Being
Presently Unknown and Fictitious to Plaintiffs),

Defendants.

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TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on February 9, 2022, at 4:20 P.M., or as soon thereafter as the matter may be heard, in the United States District Court for the Southern District of New York, before the Honorable Lorna G. Schofield, Plaintiffs Sue Brown, Ann Johnson, and Mary Davis will and hereby move this Court pursuant to Federal Rule of Civil Procedure 65 for a Temporary Restraining Order and a Preliminary Injunction: (1) stopping the transfer of all pretrial detainees from Rikers Island's Rose M. Singer Center to facilities for convicted persons in the custody of the New York State Department of Corrections and Community Supervision, including

at Bedford Hills Correctional Facility; and (2) returning all transferred pretrial detainees to the custody of the New York City Department of Correction at the Rose M. Singer Center.

This motion is made on the grounds that (1) Plaintiffs and the putative Class Members are likely to suffer irreparable harm to their rights to due process, counsel, and access to the courts; (2) Plaintiffs and the putative Class Members are likely to suffer irreparable harm because Defendants violate their right to liberty from unjustified infliction of pain and injury and Defendants subject Plaintiffs and the putative Class Members to a high risk of irreparable harm to their physical and mental health, including by subjecting them to a high risk of being sexually assaulted in the custody of the New York State Department of Corrections and Community Supervision; (3) Plaintiffs and the putative Class Members are likely to succeed on the merits of their claims under the Sixth and Fourteenth Amendments; (4) that the balance of the equities tips sharply in Plaintiffs' and the putative Class Members' favor; and (5) that the public interest supports an injunction.

This motion is based upon the Complaint in this action, this Notice of Motion, the Memorandum of Points and Authorities filed herewith, the Proposed Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not issue, the Declaration of Tahanie Aboushi, Esq., filed herewith along with its accompanying exhibits, the Declaration of Plaintiff Sue Brown filed herewith, the Declaration of Ann Johnson filed herewith, the Declaration of Mary Davis filed herewith, and all matters with respect to which this Court may take judicial notice, and such oral and documentary evidence as may be presented to the Court.

The undersigned counsel for the Plaintiffs noticed Defendants and their counsel of Plaintiffs' intention to bring this Motion before this Court on January 26, 2022 and was advised that they are available on February 9, 2022.

Plaintiff hereby requests, pursuant to FRCP 65, that the Court issue a temporary restraining order and a preliminary injunction.

Dated: January 26, 2022

Respectfully submitted,
THE ABOUSHI LAW FIRM, PLLC

A handwritten signature in black ink, reading "Tahanie A. Aboushi". The signature is written in a cursive, flowing style. The first name "Tahanie" is written in a larger, more prominent script, followed by "A." and "Aboushi". The signature is contained within a light gray rectangular border.

By: _____
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Attorneys for Plaintiffs